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7
8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 TEOFIL BRANK,

14 Defendant.
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Case No. 2:15-cr-00131-JFW

**PETITION FOR HEARING TO
ADJUDICATE VICTIM'S
INTEREST IN FORFEITED
PROPERTY AND AMENDMENT
OF ORDER OF FORFEITURE;
DECLARATION OF VICTIM**

Pursuant to 21 U.S.C. § 853(n), the victim of the crimes in the above-captioned proceedings (“Petitioner”) respectfully submits this Petition for Hearing to Adjudicate Victim’s Interest in Forfeited Property and Amendment of Order of Forfeiture. For the reasons explained below, Petitioner has a legal right to and/or interest in forfeited property that require amendment of the Court’s July 16, 2015 Preliminary Forfeiture Order.

Description of Property

1. Petitioner has an interest in the following property: (1) approximately \$395,762.50, which was condemned and forfeited from defendant Teofil Brank’s (“Defendant”) Wells Fargo Bank account (account number ending in 6764); (2) approximately \$50,000, which was condemned and forfeited from Defendant’s Wells Fargo Bank account (account number ending in 2536); and (3) approximately \$1,233.10, which was condemned and forfeited from Defendant’s Wells Fargo Bank account (account number ending in 3197) (collectively, the “Forfeited Property”).

Victim’s Explanation of Loss

2. On or around February 16, 2015, Defendant made extortionist threats to Petitioner. Dkt. No. 1 ¶ 12. Specifically, Defendant threatened to publicize embarrassing information concerning Petitioner unless Petitioner sent Defendant money and authorized Defendant to take possession of his car. *Id.*

3. In response to Defendant’s extortionist demands, on or around February 17, 2015, Petitioner sent Defendant \$500,000 from his Goldman Sachs account *via* wire transfer. *See id.*; Declaration of Donald A. Burns, Ex. A.

4. On March 6, 2015, the government filed a complaint against Defendant. Dkt. No. 1. On or around May 1, 2015, a grand jury returned the First Superseding Indictment, which charged Defendant with seven counts and included forfeiture allegations that “the United States will seek forfeiture as part of any sentence . . . in the event of defendant’s conviction under Counts One and Two.” Dkt No. 93 at 9.

1 On or around July 9, 2015, Defendant was convicted under counts one and two. Dkt.
2 No. 281.

3 5. On July 16, 2015, the Court entered a Preliminary Order of Forfeiture,
4 providing that:

5 [A]ny right, title and interest of defendant Teofil Brank in
6 the following described property (hereinafter, the
7 "Forfeitable Property") is hereby forfeited to the United
8 States: (i) approximately \$395,762.50 from Wells Fargo
9 Bank account with account number ending in 6764, in the
10 name of Teofil Brank aka Toefil Brank; (ii) approximately
11 \$50,000.00 from Wells Fargo Bank account with account
12 number ending in 2536, in the name of Teofil Brank aka
13 Toefil Brank; and (iii) approximately \$1,233.10 from Wells
14 Fargo Bank account with account number ending in 3197, in
the name of Teofil Brank. The Court finds that the
government has established the requisite nexus between the
Forfeitable Property and the offenses described in Counts
One and Two of the First Superseding Indictment.

15 Dkt. No. 289.

16 6. Petitioner, as the rightful owner of the Forfeited Property and victim of
17 the crimes at issue in counts one and two, has a valid interest in the Forfeited
18 Property.

19 7. For the foregoing reasons, Petitioner respectfully requests that the Court
20 grant this Petition and amend the July 16, 2015 Preliminary Forfeiture Order in
21 accordance with Petitioner's valid interest in the Forfeited Property.

22 Dated: August 27, 2015

Respectfully submitted,

23 SIDLEY AUSTIN LLP

24 By: /s/ Anand Singh

25 Anand Singh

26 *Attorneys for the Victim*

DECLARATION OF DONALD A. BURNS

I, Donald A. Burns, do hereby declare and state as follows:

1. I have reviewed the foregoing Petition for Hearing to Adjudicate Victim's Interest in Forfeited Property and Amendment of Order of Forfeiture (the "Petition"). The information in the Petition is true and correct.

2. A true and correct copy of my bank account statement reflecting the February 17, 2015 wire transfer to Defendant Teofil Brank is attached hereto as Exhibit A.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 27th day of August 2015 at Palm Beach, Florida.


Donald A. Burns